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MEMORIAL

OF

THE CORPORATE AUTHORITIES OF THE CITY OF MOBILE,

PRAYING

Reimbursement of advances made for supplies and equipments for the Creek volunteers.

MARCH 22, 1838.
Referred to the Committee on Military Affairs.
MARCH 28, 1838.
Bill reported, (S. 290,) and ordered to be printed.

To the Senate and House of Representatives of the United States in Congress asembled:

The memorial of the corporate authorities of the city of Mobile,

RESPECTFULLY REPRESENTS TO YOUR HONORABLE BODIES:

That in the beginning of Creek Indian hostilities, the Governor of the State of Alabama made a call on the county and city of Mobile for two full companies of *mounted men*. The men, with a spirit of proper patriotism, immediately tendered their services, but they were not mounted, nor was there an officer near at hand to equip them, or even furnish their transportation to the place of rendezvous. The reason of the call is well known to your honorable bodies. Imminent and immediate danger was threatened to a defenceless population in the interior. It was quite certain that the means of defence could not be speedily procured at any point, so well as at the city of Mobile, and rapidity of movement was the great and essential object; an appeal was made to the city authorities for the means of purchasing horses and such equipments and supplies as the pressing demand required, by a portion of our fellow-citizens; indeed, the sufferings of our fellow-citizens in the interior came too rapidly, and in representations too appalling, to canvass the expediency of the measure; the city authorities voted forty-five thousand dollars, which was at once placed in the hands of disbursing officers, and nearly the whole amount was expended. It is now known to be a heavy expenditure, but the demand was too pressing to use great prudence and care in making the requisite purchases. This fact is certain—the money was expended, and expended, too, in the public service. The Gov-

Blair & Rives, printers.

ernor of our State has been called on, and we have received for reply, that the State nor General Government had neither furnished him with the means of paying the amount, and referring us to the officers of the United States. Captain Harding was clothed with authority, as we were informed. An application was made to him; the horses of one company he received as the property of the United States; the horses of the other company were received at Montgomery by an officer of the United States; and the company sent as a guard, as far as Mobile, with the emigrating Indians. Thus we flattered ourselves that the heaviest item in the expenditure was to be borne, of course, by the United States, and the city at once reimbursed the price of the horses. Those received by Captain Harding were sold at public auction in the city, as was thought on account of the United States; we were afterwards informed that the act was not recognised by the department. Those received at Montgomery, we were soon informed, could not longer be fed at public expense, and that the corporate authorities must designate an agent to receive them; before an agent could be appointed, we were notified that they were at the expense of the city. To prevent a great loss, persons were immediately despatched for them, their expenses paid, and at great cost they were brought to the city, when Captain Harding directed their sale, and the corporate authorities were notified to await the decision of the Government of the United States. Thus the expense, heavy at first, has accumulated, and the city has and still does endure the loss. It is known that the Government has assumed the expenditure of the State in this war, and we confidently hope that the city of Mobile will be fully indemnified for her losses. Our city is in a state of rapid improvement; the enterprise of her inhabitants call for great and extensive public improvements to keep pace with private improvements; we are in fact in the state of expenditure, and some time must elapse before we shall be free from embarrassment. If we are not speedily relieved from the advance made, it will add no little to our embarrassments. We, therefore, most respectfully pray your honorable bodies to pass such act as in your wisdom may seem just in the premises; and as in duty bound will ever pray, &c.

By order of the board.

G. W. OWEN, *Mayor.*

City of Mobile, *December* 16, 1836.

A.

Mount Vernon Arsenal,
August 3, 1836.

Sir: The corporation of Mobile equipped for the Creek war two companies of mounted infantry, and since the termination of the campaign, have demanded, under the late act of Congress, to be remunerated for expenses incurred in fitting out these troops, and have turned the horses over to the United States.

Seventy of these horses are in my possession, and as they are very expensive, I have written to Major Brant, at Montgomery, asking an order to

sell them immediately. Should Major Brant, however, not feel authorized to give such an order, the subject is submitted for your orders and instructions in the case.

I am, sir, very respectfully,
Your obedient servant,
E. HARDING,
Captain Ordnance, acting Quartermaster.

Major T. F. HUNT,
Acting Q. M. Gen., Washington city.

MONTGOMERY, *August* 20, 1836.

GENTLEMEN: A few days since I had placed in my hands, by Lieut. Grayson, of the United States army, of this place, seventy-eight horses belonging to your honorable body, and am now waiting for instructions in relation to the said property. If I was allowed the privilege of advising upon the subject, I would advise the disposition of the property as soon as possible, as the condition of the horses is that of very low order. I think some of them may be disposed of at private sale to much better advantage than public, and should you determine so too, I would be glad to have the disposing of them, as I am acting auctioneer for the town of Montgomery. My reference for my responsibility will be to Messrs. Sayre, Converse, & Co., of your city, who are personally acquainted with me. This meeting your approbation, orders will be strictly attended to.

Yours, respectfully,
BENJ. B. MORRELL.

To the MAYOR AND ALDERMEN,
Of the city of Mobile.

B.

QUARTERMASTER GENERAL'S OFFICE,
Washington, August 17, 1836.

SIR: Your letter of the 3d instant has just been received. You have erred in receiving the horses referred to, from the corporation of Mobile; there was no right whatever, on the part of the corporation, to require you to receive them, nor any obligation on your part to do so. The act of Congress of the 28th May last, you will perceive, has no reference to the case; it is confined in its provisions to militia received into the service of the United States *for the defence of Florida.* If these mounted companies were received into the service of the United States for the Creek war, they came in under the acts of the 19th March and 23d May, 1836, which are full and explicit, and to which I would call your attention, if within your reach.

If you have not otherwise disposed of the horses, when you receive this letter, you will please return them to the corporation of Mobile.

I am, sir, respectfully,
Your obedient servant,
T. CROSS,
Maj. in charge of the Quartermaster's Dep't.

Capt. E. HARDING, *Act'g Ass't Quartermaster,*
Mount Vernon Arsenal, Alabama.

C.

[EXTRACT.]

MOUNT VERNON ARSENAL,
September 15, 1836.

Your letter of the — ultimo, on the subject of horses, turned over to me by the corporation of Mobile, was duly received. I had, previously to the receipt thereof, on the 31st ultimo, disposed of these horses on my own responsibility, as they were very expensive, and believing that no officer would be viewed as faithful to his trust who would forage them a moment longer.

The proceeds from the sale of the horses referred to, will be turned over to the city of Mobile, with a bill of expenses.

I am, &c.,
E. HARDING,
Acting Quartermaster.

Major T. CROSS, *Acting Qurtermaster General,*
Washington city.

D.

ASSISTANT QUARTERMASTER'S OFFICE,
Montgomery, Ala., August 17, 1836.

SIR: A communication from the head quarters of the southern army, received yesterday, requires me to make an immediate arrangement in relation to the horses belonging to Captain Milton's mounted company. That communication required that you forthwith be informed of the course I was to pursue, and I accordingly have the honor to inform you, that yesterday the horses were delivered to Mr. Benj. Morrell, of this place, for safe keeping, subject to your order, or the order of such individuals as you may select. Mr. Morrell will look to you for the payment of the keeping of the horses, and I have made the most advantageous bargain that the prices of forage and attention would permit. He takes the horses, gives them full allowance of corn, fodder, salt, &c., besides all the attention which horses require, for 50 cts. per day for each horse. I would suggest to you,

sir, the propriety of adopting immediate measures for their removal. I had the honor to communicate with you in relation to this subject on the 10th instant.

I am sir, very respectfully,
Your most obedient servant,
JOHN B. GRAYSON,
1st Lieut. and Acting Quartermaster.

To the MAYOR
Of the city of Mobile.

QUARTERMASTER GENERAL'S OFFICE,
Washington, January 31, 1837.

SIR: In reply to the fourth and fifth inquiries in the letter of the honorable Mr. Whittlesey of the 25th instant, which was referred to me from the War Department, yesterday, for a report, I have to state that, in August last, the corporate authorities of Mobile turned over to Captain Harding, acting assistant quartermaster at Mount Vernon, Alabama, on account of the United States, seventy of the horses which had been purchased to mount the companies of volunteers furnished from that city, and demanded remuneration for them.

As the acts of the 19th of March and the 23d of May last expressly required mounted volunteers to furnish their own horses, and provided an allowance for the use of them, there was clearly no obligation on the part of the United States to receive those horses from the corporate authorities of Mobile, refund their original cost, and bear the loss that would result from their sale; and, accordingly, on the facts being reported to me, I apprized Captain Harding of the error he had fallen into, in receiving the horses, and directed him, if he had not otherwise disposed of them when he received my instructions, to return them to the corporate authorities of Mobile. (See papers A and B, herewith.)

It appears, however, from his report (marked C) that, to avoid the heavy expense of keeping the horses, he had sold them of his own accord, before the receipt of my instructions, and, in order to conform to them substantially, he advises that "the proceeds from the sale of the horses referred to, will be turned over to the city of Mobile, with a bill of expenses." I have received no farther report from him on this subject, but as he does not notice these horses in his subsequent accounts with the United States, it is not doubted that their proceeds were duly paid over.

It appears from the letter of Lieutenant Grayson, acting assistant quartermaster, (paper D,) that the horses of the other company, which were left with him at Montgomery, were placed at the disposition of the mayor of Mobile. Hence it appears, that in neither case did the United States retain the horses or profit by their sale.

The corporate authorities of Mobile have not exhibited to this office any statement showing the application of the money advanced by that city.

I am, very respectfully, sir,
Your obedient servant,
T. CROSS,
Major, acting Quartermaster General.

Hon. B. F. BUTLER,
Secretary of War ad interim, Washington.

PAYMASTER GENERAL'S OFFICE,
City of Washington, January 27, 1837.

SIR: In answer to the letter of the honorable E. Whittlesey, chairman of the Committee of Claims, in the House of Representatives, of the 25th instant, which has been referred to me, from the War Department, for a report, I have the honor to state, that it is necessary to know the names of the captains who commanded the companies, to answer the inquiries. The papers submitted do not give the names, but in Lieutenant and Quartermaster John B. Grayson's letter to the mayor of Mobile, he mentions the horses of Captain Melton's company. I find among the rolls that have been returned to this office, one of Captain John Milton's company; perhaps this is one of the two referred to in the memorial; if so, the questions propounded by Mr. Whittlesey (so far as this department is concerned) can be answered as follows:

1st. There are 86 men on the roll, officers included.

2d. The company was in service from the 28th of May to the 27th of July, 1836.

3d. In paying the men for their services, they were paid a per diem of 40 cents for the use of their horses.

On the 4th and 5th questions this department possesses no information.

If any of the Senators and Representatives from Alabama can give the names of the captains of these two companies, a further examination and report will be made on the subject. The papers are herewith returned.

With great respect,
I am, sir, your most obedient,
N. TOWSON,
Paymaster General.

To the Hon. B. F. BUTLER,
Secretary of War ad interim.

WAR DEPARTMENT,
February 11, 1837.

SIR: The enclosed report from the Paymaster General, and that from the Quartermaster General with its accompanying documents, contain such of the facts relative to the Mobile volunteers, requested in your letter of the 25th ultimo, as the information possessed by this department enables it to furnish.

It is proper to state that since the date of these reports, the papers have been detained for the purpose of instituting a search for the name of the captain required by the Paymaster General, which has been done, but without success.

The papers transmitted by you are herewith returned.

Very respectfully,
Your most obedient servant,
B. F. BUTLER,
Secretary of War ad interim.

Hon. E. WHITTLESEY,
Chairman Committee of Claims,
House of Representatives.

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EXECUTIVE DEPARTMENT,
Tuscaloosa, July 8, 1836.

DEAR SIR: Yours of the 1st instant, in relation to a sum of money borrowed and expended by the corporate authorities of Mobile, in the purchase of horses for some of the volunteer troops, now in the public service under the command of General Moore, has been received.

You are doubtless aware that no sum whatever has been placed by the Legislature at my disposal, either for the purpose alluded to, or to pay any other expense which might be incurred in connexion with the defence of the country. It is possible, however, that the Legislature may, at the ensuing session, make an appropriation for the indemnity of your city; and, for that object, I would suggest that application be made to that honorable body.

I am not informed whether any provision is made for such expenses by the laws of the United States. If so, you would do well to apply to Major J. B. Brant, Quartermaster of the United States army, now at Montgomery, engaged in the liquidation of claims connected with the Creek war. He will, at all events, give you such information as may be in his power.

I am, sir,
Very respectfully,
Your obedient servant,
C. C. CLAY.

Hon. G. W. OWEN.

At a meeting of the board of Mayor and Aldermen of the city of Mobile, held on the 15th day of December, 1836, the following resolution was unanimously adopted, viz:

"*Resolved*, That the Mayor be authorized to forward to Congress a petition, on behalf of the corporation, praying reimbursement for the expenditures incurred by the city, in furnishing horses, equipments, and supplies for the Creek volunteers."

A true copy from the minutes.

Attest: J. H. HYDE,
City Clerk.

Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: March 2010

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